IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

RP.No. 310 of 2005()

AGAINST THE JUDGEMENT IN SA.718/1999 Dated 10/12/2004
AS.140/1991 of ADDL.DISTRICT COURT,KOTTAYAM

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REVIEW PETITIONERS - APPELLANTS:

1. THE TRAVANCORE COCHIN CMS ANGLICAN CHURCH, REPRESENTED BY VICAR REV.P.T.JOHN, POTHANAMANNIL, KOLABHAGAM P.O., THADIYOOR, PATHANAMTHITTA DISTRICT.

2. C.JOHN MATHEW CHURCH WORKER, (UPADESI) RESIDING AT CHETTUTHADATHIL CHELAKOMPU NEDUMKUNNAM VILLAGE (4TH DEFENDANT)

3. VARKEY VARGHESE, VELLAKELUMKAL, CHELAKOMBU, KARUKACHAL.

4. E.J.THOMAS, RESIDING AT ELAMPLAVIL, CHELAKOMBU.

BY ADV. SRI.M.P.RAMNATH

RESPONDENTS - RESPONDENTS:

1. CSI TRUST ASSOCIATION WITH REGD. OFFICE AT MADRAS, REPRESENTED BY ITS POWER OF ATTORNEY HOLDERS.
1) REV.FR.I.C.KURIAN RESIDING AT ST.JAMES HOUSE, CHALAKUNNU KARA, KOTTAYAM.

2. REV.FR.M.T.THARIYAN RESIDING AT C.S.I. ASGENSION CHURCH PARSONAGE, KOTTAYAM.

BY ADV. SRI.K.K.JOHN
SRI.V.GIRI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K. PADMANABHAN NAIR, J.**

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R.P. NO. 310 OF 2005

IN

S.A. NO. 718 OF 1999

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Dated this the 4th day of January, 2007

**O R D E R**

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Appellants 1 to 4 in the Second Appeal have filed this Review Petition for reviewing the final judgment passed by me dismissing the Second Appeal.

2. Main contention raised in this Review Petition is that due to an inadvertent mistake this Court omitted to consider the question of adverse possession in the right perspective and also not applied the principles laid down by this Court and the Supreme Court in the various judicial pronouncements. In the Review Petition it is specifically averred that due to an inadvertent omission the question whether Exhibit A1 document can be considered as a document of title has not raised in the memorandum of Second Appeal. According to the petitioners that document was registered in Calcutta and the parties who executed the same had no right or authority to execute such a transfer. It is argued that no title could be claimed by the

transferee by virtue of such transfer deed executed in Calcutta in respect of property situated in the State of Kerala. It is further contended that due to an inadvertent omission proper questions of law regarding that aspect were not raised in the Second Appeal and hence this Court omitted to consider the legal principles in its correct perspective.

3. Grounds raised in the Review Petition may be the proper grounds to be raised in an appeal from the judgment under review. This Court considered all the points raised and argued before this Court. So there is no error apparent on the face of the record. There is no merit in the Review Petition and the same is only to be dismissed.

In the result, Review Petition is dismissed.

**K. PADMANABHAN NAIR, JUDGE.**

**vsv**

**K. PADMANABHAN NAIR, J.**

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O R D E R

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4TH JANUARY, 2007